

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE DAVIS,

Plaintiff,

No. CIV S-04-0707 FCD CMK

vs.

STATE OF CALIFORNIA,

Defendants.

ORDER


Plaintiff has filed what the court construes as a motion for discovery. Plaintiff is informed that court permission is not necessary for discovery requests and that neither discovery requests served on an opposing party nor that party's responses should be filed until such time as a party becomes dissatisfied with a response and seeks relief from the court pursuant to the Federal Rules of Civil Procedure. Discovery requests between the parties shall not be filed with the court unless, and until, they are at issue.

In addition, that document was not served on defendants. Plaintiff is advised that every document submitted to the court for consideration must be served on defendants. Rule 5, Federal Rules of Civil Procedure. Documents are usually served by placing a copy in the U.S. Mail. If an attorney has filed a document with the court on behalf of any defendant, then documents submitted by plaintiff must be served on that attorney and not on the defendant himself. Every document submitted to the court must include a certificate stating the date that an

1 accurate copy of the document was mailed to defendants or their attorney and the address to
2 which it was mailed. See Local Rule 5-135(a), E.D. Cal. The clerk of the court cannot serve any
3 document for any party.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for discovery
5 will be placed in the court file and disregarded. Plaintiff is cautioned that further filing of
6 discovery requests or responses, except as required by rule of court, may result in an order of
7 sanctions, including, but not limited to, a recommendation that this action be dismissed.

8 DATED: June 8, 2005.

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11 **CRAIG M. KELLISON**
12 UNITED STATES MAGISTRATE JUDGE
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